

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hua Z. Ke et al.

Application No.: 09/736/051

Art Unit: 1655

Filed: December 13, 2000

Examiner: Patricia A. Leith

For: COMBINATION THERAPY FOR
OSTEOPOROSIS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**COMMENTS REGARDING THE INFORMATION DISCLOSURE STATEMENT OF
NOVEMBER 2, 2006, THE OFFICE COMMUNICATION OF JANUARY 3, 2007 AND
NOTICE OF ALLOWANCE OF FEBRUARY 1, 2007**

Applicants representative would like to thank the Examiner for discussing by telephonic interview on February 8, 2007 the Information Disclosure Statement (hereinafter IDS) of November 2, 2006, the Office Communication dated January 3, 2007 and the Notice of Allowance dated February 1, 2007 in the subject application.

Applicants submitted an IDS under 37 CFR 1.97 on November 2, 2006. The IDS of November 2, 2006 was submitted along with Form PTO-FB-A820, a copy of the reference and an Electronic Patent Application Fee Transmittal including the \$180.00 fee required for submission of an IDS. An Electronic Acknowledgement Receipt (EFS ID 1290285, confirmation number 6748) confirming payment of the fee was received from the Office on November 2, 2006.

Applicants then received an Office Communication dated January 3, 2007 which stated that the IDS of November 2, 2006 failed to comply with 37 CFR 1.97(d) because it lacked the statement required under 37 CFR 1.97(e) and because it lacked the required fee set forth in 37

CFR 1.17(p). The Office Communication further stated that the IDS of November 2, 2006 has been placed in the file but the information referred to therein has not been considered. A Notice of Allowance dated February 1, 2007 in the subject application was then received by Applicants.

37 CFR 1.97(c) provides that “(c) An information disclosure statement shall be considered by the Office if filed after the period specified in paragraph (b) of this section, provided that the information disclosure statement is filed before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by one of: (1) The statement specified in paragraph (e) of this section; or (2) The fee set forth in § 1.17(p).”

Applicants respectfully submit that the IDS submitted on November 2, 2006 was submitted prior to the Notice of Allowance dated February 1, 2007 and was accompanied by the appropriate fee under 37 CFR § 1.17(p). Thus, the IDS was properly submitted in conformity with the requirements under 37 CFR 1.97(c)(2). Applicants respectfully request the Examiner to withdraw the statement that the IDS fails to comply with 37 CFR 1.97(d) and to consider the IDS as submitted on November 2, 2006.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 16-1445, from which the undersigned is authorized to draw.

Dated: February 8, 2007

Respectfully submitted,

By / John A. Wichtowski /
John A. Wichtowski
Registration No.: 48,032